

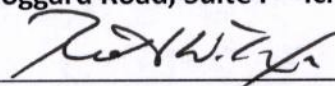


To the Honorable Council
City of Norfolk, Virginia

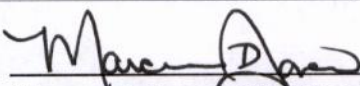
July 14, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception for the operation of an eating and drinking establishment at 5720 Hoggard Road, Suite F – Ichran Japanese Ramen**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved: 
Marcus D. Jones, City Manager

Item Number: **R-2**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception for the operation of an eating and drinking establishment
- IV. **Applicant:** Ichran Japanese Ramen
- V. **Description:**
 - This request is to allow an existing restaurant, Ichran Japanese Ramen, to serve alcoholic beverages to its customers.
 - The site is located in a small shopping strip directly accessible from Hoggard Road, to the east of North Military Highway and to the west of the Glenrock neighborhood.

	Proposed
Hours of operation and hours for the sale of alcoholic beverages	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday
Capacity	18 seats indoors 0 seats outdoors 20 total capacity

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated June 25, 2015 with attachments
- Letter of support – commercial neighbor
- Proponents and Opponents
- Ordinance



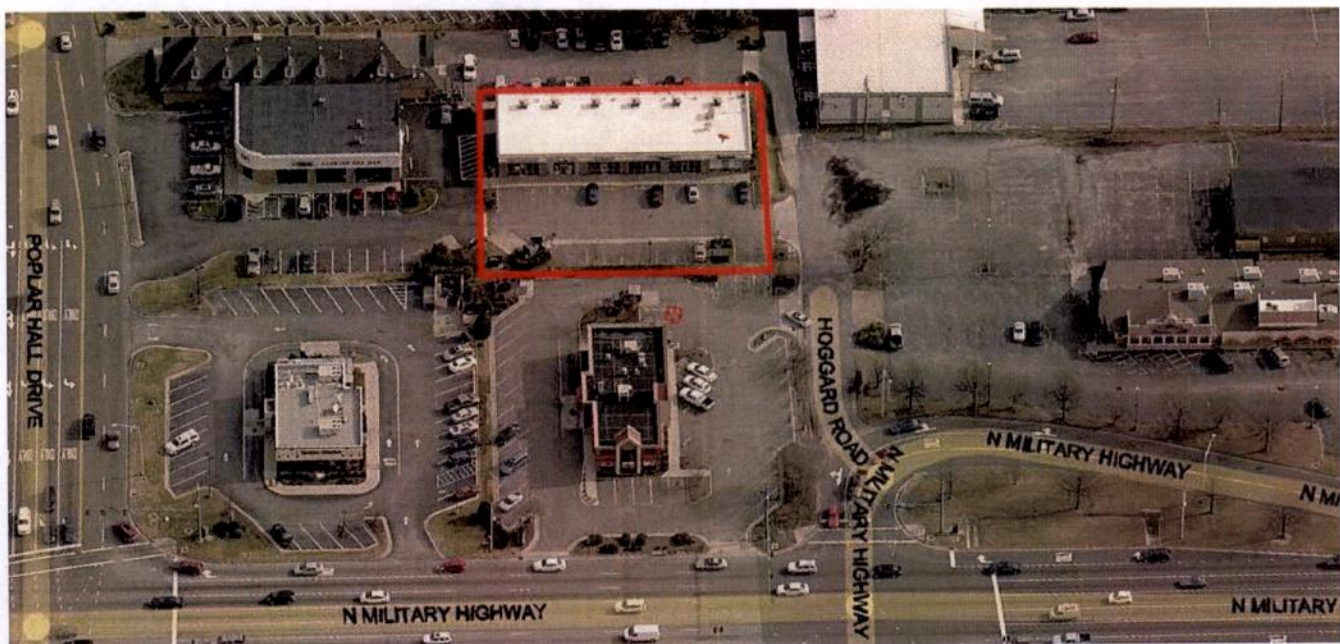
City of NORFOLK

Planning Commission Public Hearing: June 25, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Staff: Matthew Simons, CFM

Staff Report	Item No. 6	
Address	5720 Hoggard Road, Suite F	
Applicant	Ichran Japanese Ramen	
Request	Special Exception	Eating and Drinking Establishment
Property Owner	Zcal, LLC c/o Michael P. Zarpas	
Site Characteristics	Site Area	20,802 sq. ft.
	Zoning	C-2 (Corridor Commercial)
	Neighborhoods	Glenrock
	Character District	Suburban
Surrounding Area	North	C-2: retail; Phillip Michael Fashions
	East	C-2: offices, Virginia DMV
	South	C-2: Lone Star Steakhouse and IN-1 (Institutional): Teamsters Local Union Hall & Veterans of Foreign Wars post
	West	C-2: Arby's restaurant



A. Summary of Request

- This request is to allow an existing restaurant, Ichran Japanese Ramen, to serve alcoholic beverages to its customers.
- The site is located in a small shopping strip directly accessible from Hoggard Road, to the east of North Military Highway and to the west of the Glenrock neighborhood.

B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

C. Zoning Analysis

i. General

The use is permitted in the C-2 district by special exception.

	Proposed
Hours of operation and hours for the sale of alcoholic beverages	11:00 a.m. until 10:00 p.m., Sunday through Thursday 11:00 a.m. until 11:00 p.m., Friday and Saturday
Capacity	18 seats indoors 0 seats outdoors 20 total capacity

ii. Parking

There is sufficient on-site parking to accommodate this establishment.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

D. Transportation Impacts

- Institute of Transportation Engineers figures calculate forecast travel for restaurants based upon the total seating of an establishment.
- No increase in seating is being proposed for the site and no additional trips are forecast related to the proposed addition of on-premises alcohol sales at this existing restaurant.

E. Impact on the Environment

This site was developed in 2007 with an approved site plan and is compliant with the City's landscaping and stormwater requirements.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed eating and drinking establishment should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

The application was sent to the Glenrock Civic League on May 13.

I. Communication Outreach/Notification

- Legal notice was posted on the property on May 19.
- Letters were mailed to all property owners within 300 feet of the property on June 10.
- Legal notification was placed in *The Virginian-Pilot* on June 11 and June 18

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be from 11:00 a.m. until 10:00 p.m., Sunday through Thursday, and from 11:00 a.m. until 11:00 p.m., on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 18 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 20 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (g) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.

- (h) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (i) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (j) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (k) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (l) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (m) There shall be no entertainment, no dancing, and no dance floor provided.
- (n) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

- (o) A copy of this special exception ordinance and Exhibits shall be available on the premises at all times for inspection, and a notice indicating that this special exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments
Application
Notices to the Glenrock Civic League

Proponents and Opponents

Proponents


Zhi Ting Li – Applicant
5720 Hoggard Road, Suite F
Norfolk, VA 23502

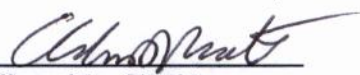
Jun Qin Jia
5720 Hoggard Road, Suite F
Norfolk, VA 23502

Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN EATING AND DRINKING ESTABLISHMENT NAMED "ICHRAN JAPANESE RAMEN" ON PROPERTY LOCATED AT 5720 HOGGARD ROAD, SUITE F.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Zhi Ting Li authorizing the operation of an eating and drinking establishment named "Ichran Japanese Ramen" on property located at 5720 Hoggard Road, suite F. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 139 feet, more or less, along the northern line of Hoggard Road, beginning 164 feet, more or less, from the eastern line of North Military Highway and extending eastwardly; premises numbered 5720 Hoggard Road, suite F.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment and for the sale of alcoholic beverages shall be limited to 11:00 a.m. until 10:00 p.m. Sunday through Thursday and from 11:00 a.m. to 11:00 p.m. on Friday and Saturday. No use of the establishment outside of the hours of operation listed herein is permitted.
- (b) The seating for the establishment shall not exceed 18 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 20 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the

operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (d) The establishment shall maintain a current, active business license at all times while in operation.
- (e) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (f) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the Special Exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (g) A menu shall be provided containing an assortment of foods which shall be made available at all times the restaurant is open. A food menu and full dining service shall be available at the bar.
- (h) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator, or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (i) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission

shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (j) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (k) In addition to the ABC manager or supervisor, the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (l) There shall be no entertainment, no dancing, and no dance floor provided.
- (m) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (n) A copy of this Adult Use Special Exception ordinance and Exhibits shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

Section 3:- That the City Council hereby determines that the

Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;

- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:
Exhibit A (3 pages)



EXHIBIT "A"
Description of Operations
Eating and Drinking Establishment

Date 4-30-15

Trade name of business Ichran Japanese Ramen

Address of business 5720 Hogard Rd, Ste F

Name(s) of business owner(s)* Zhi Ting Li t/a Ichran Japanese Ramen

Name(s) of property owner(s)* ZCal, LLC - Michael P. Zarpas

Daytime telephone number (757) 339-0010

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility		Alcoholic Beverage Sales	
Weekday	From <u>11am</u> To <u>10pm</u>	Weekday	From <u>11am</u> To <u>10pm</u>
Friday	From <u>11am</u> To <u>11pm</u>	Friday	From <u>11am</u> To <u>11pm</u>
Saturday	From <u>11am</u> To <u>11pm</u>	Saturday	From <u>11am</u> To <u>11pm</u>
Sunday	From <u>11am</u> To <u>10pm</u>	Sunday	From <u>11am</u> To <u>10pm</u>

2. Type of ABC license applied for (check all applicable boxes)

☒ On-Premises ☐ Off-Premises (additional application required)

3. Type of alcoholic beverage applied for

☒ Beer ☒ Wine ☐ Mixed Beverage

4. Will indoor or outdoor entertainment be provided?

(Entertainment consists of anything more than one, unamplified musician)

☐ Yes (Different application required) ☒ No

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised December, 2014)

Exhibit A – Page 2
Eating and Drinking Establishment

5. Will video games, pool tables, game boards or other types of games be provided?
☐ Yes (If more than 4, additional application required) ☒ No

5a. If yes, please describe type and number of each game to be provided

6. Will patrons ever be charged to enter the establishment?
☐ Yes ☒ No

6a. If yes, why

- 6b. Which days of the week will there be a cover charge (circle all applicable days)?

Monday Tuesday Wednesday Thursday Friday
Saturday Sunday

7. Will the facility or a portion of the facility be available for private parties?
☒ Yes ☐ No

7a. If yes, explain

Showers, Birthdays, Retirement (private)

8. Will a third party (promoter) be permitted to lease, let or use the establishment?
☐ Yes ☒ No

8a. If yes, explain

9. Will there ever be a minimum age limit?
☐ Yes ☒ No

Exhibit A – Page 3
Eating and Drinking Establishment

10. Additional comments/ description/operational characteristics or prior experience:

This establishment is a Japanese Noodle
family restaurant open for lunch and dinner.

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility


Signature of Applicant

Location Map

POPLAR HALL DRIVE

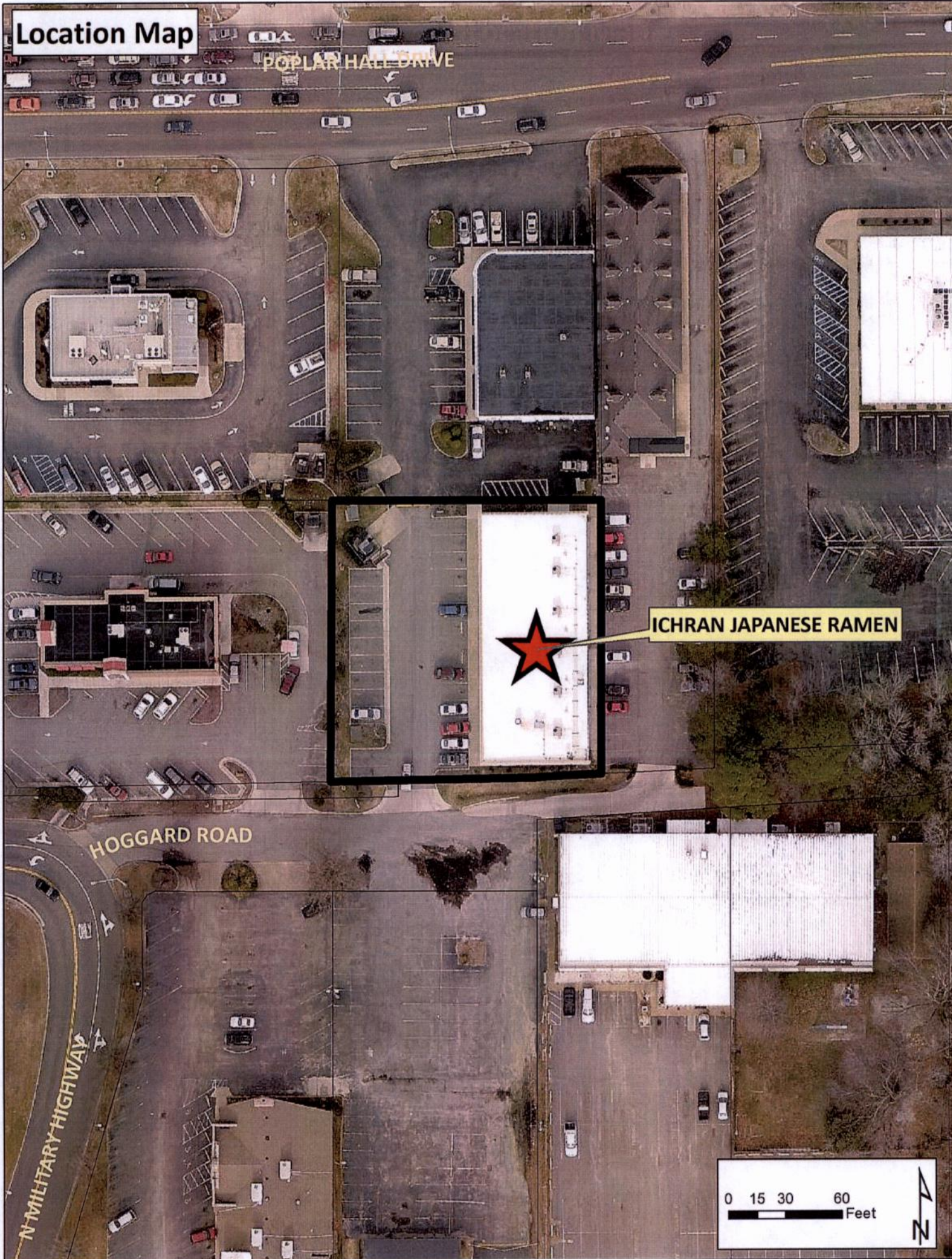
HOGGARD ROAD

N MILITARY HIGHWAY

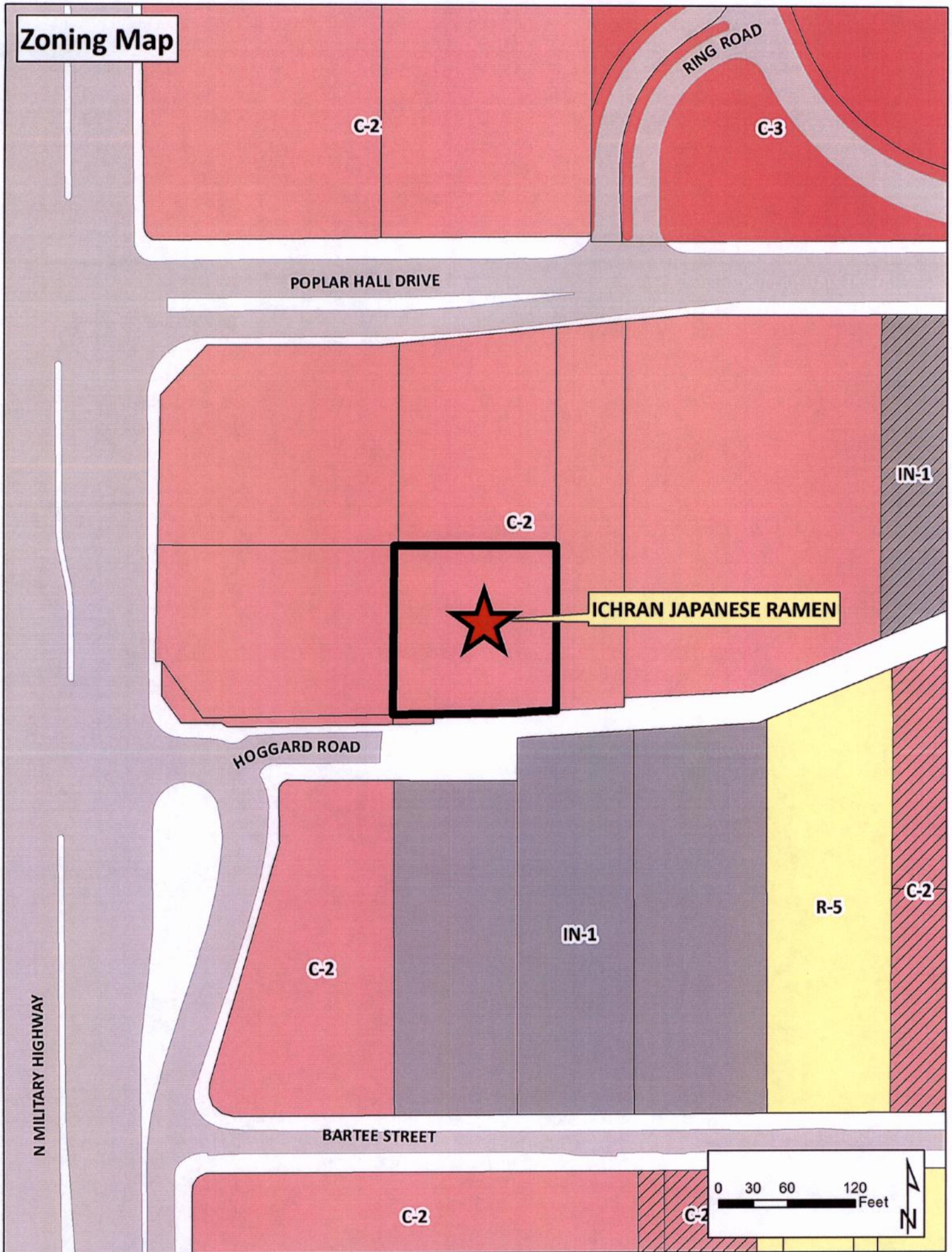
ICHRAN JAPANESE RAMEN

0 15 30 60 Feet

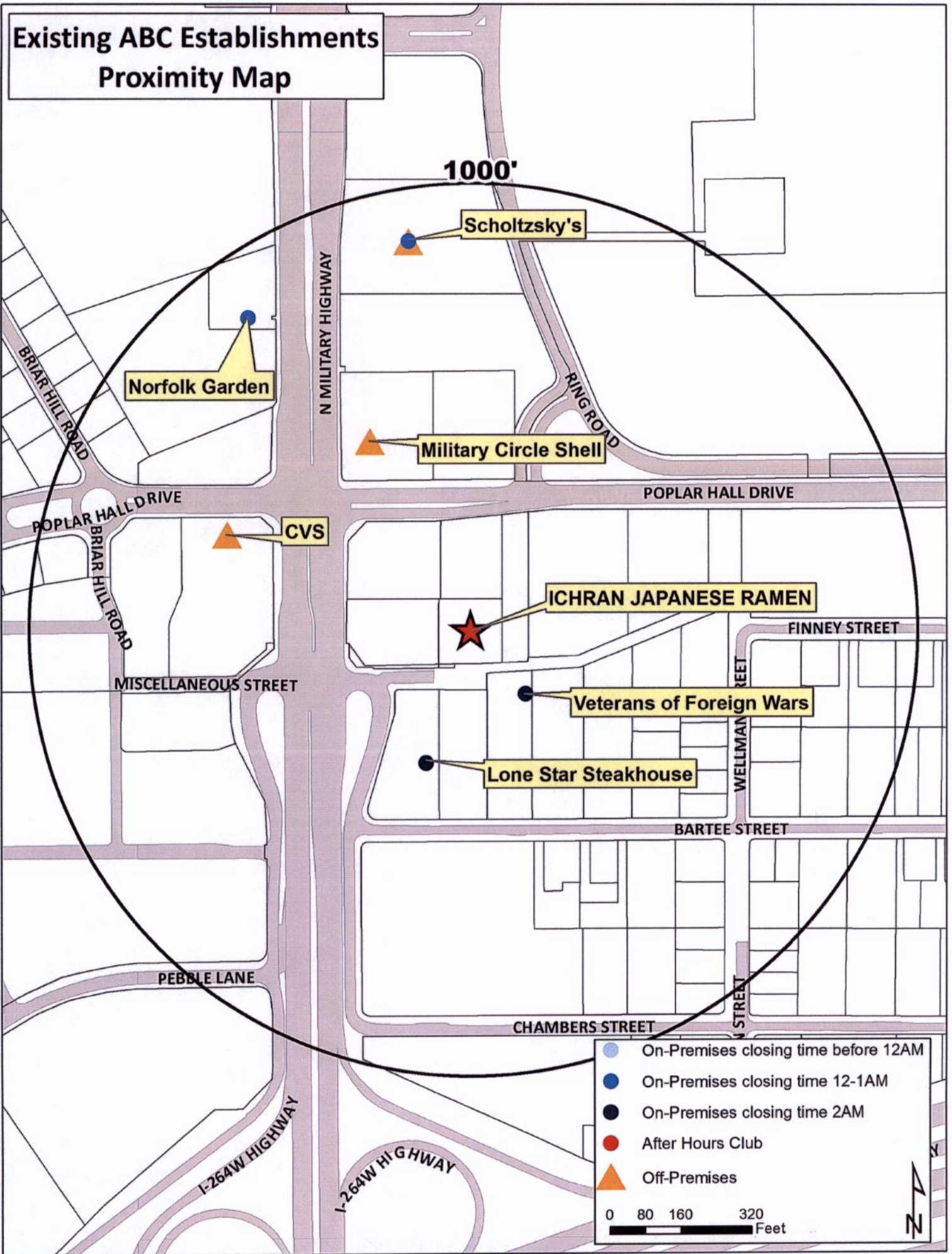
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Zoning Map



Existing ABC Establishments Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
EATING AND DRINKING ESTABLISHMENT
(Please print)**

Date 4-30-15

DESCRIPTION OF PROPERTY

Address 5720 Hoggard Road, Norfolk, VA 23502 Ste. F

Existing Use of Property Eating Establishment

Proposed Use Eating and Drinking Establishment

Current Building Square Footage 1,235

Proposed Building Square Footage 1,235

Trade Name of Business (if applicable) Ichram Japanese Ramen

APPLICANT/ PROPERTY OWNER

1. Name of applicant: (Last) LI (First) ZHI TING (MI) _____

Mailing address of applicant (Street/P.O. Box) 5720 Hoggard Road, Norfolk, VA 23502
(City) Norfolk (State) VA (Zip Code) 23502 Ste. F

Daytime telephone number of applicant () 757-339-0010 Fax number () _____

E-mail address of applicant junqinjia@msn.com

2. Name of property owner (Last) ZCal, LLC (First) c/o Pembroke Commercial Realty (MI) _____

Mailing address of property owner (Street/P.O. Box) 4460 Corporation Lane, Ste. 300
(City) VA Beach (State) VA (Zip Code) 23462

Daytime telephone number of owner (757) 286-1783 ax number () _____

Application
Eating and Drinking Establishment
Page 2

CONTACT INFORMATION

Civic League contact Glenrock civic league - David Hicks ⁷⁵⁷⁻⁷³⁹⁻⁴⁹³⁹ _(wewatchglenrock@live.com)

Date(s) contacted _____

Ward/Super Ward information _____

REQUIRED ATTACHMENTS

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing seats/tables, restroom facilities, bar, ingress and egress, standing room, outdoor dining and total maximum capacity (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a survey or conceptual site plan (required for new construction or site improvements) drawn to scale showing:
 - Existing and proposed building structures
 - Driveways
 - Parking
 - Landscaping
 - Property lines (see attached example)
- Completed Exhibit A, Description of Operations (attached)

CERTIFICATION

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Michael P. Zarpas Sign: [Signature] 5/1/2015
(Property Owner or Authorized Agent Signature) (Date)

Print name: Zhi Ting Li Sign: [Signature] 5/1/2015
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised December, 2014)

Exhibit A – Floor Plan(s) Worksheet
Eating and Drinking Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan must be prepared by a registered design professional and include:
 - Tables/seats
 - Restroom facilities
 - Bar
 - Ingress and egress
 - Standing room
 - Outdoor seating
 - Total maximum capacity (including employees)

Total capacity

a. Indoor

Number of seats (not including bar seats)

Number of bar seats

Standing room

18
0
0

b. Outdoor

Number of seats

0

c. Number of employees

2

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 20

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

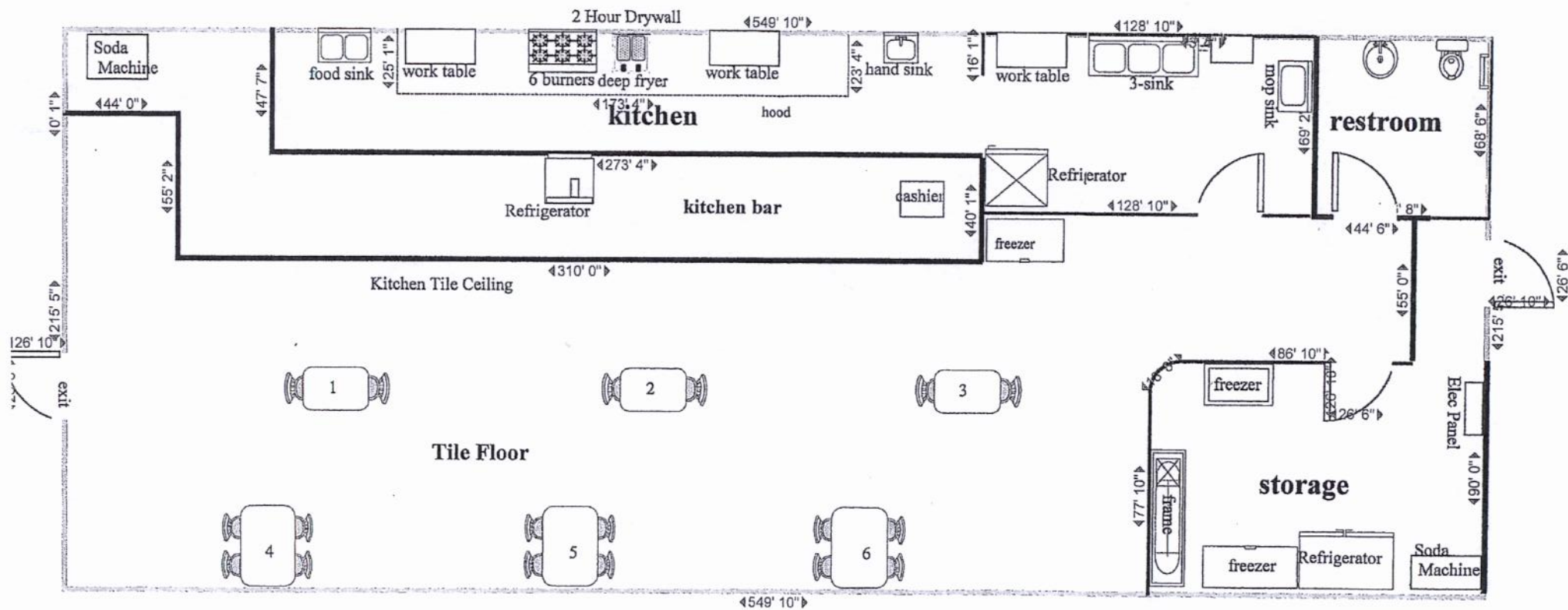
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised December, 2014)

PROPOSED FLOOR PLAN
ICHRAN JAPANESE RAMEN

date
 1/12/2015



Simons, Matthew

From: Robert R. Brown <Rob@rbainc.biz>
Sent: Tuesday, June 16, 2015 9:26 PM
To: Simons, Matthew
Cc: Robert R. Brown, Jr.; Bradford T. Brown; David Craig Brown
Subject: Re: Ichran Japanese Ramen

Thanks for info.

Our concern would have been if the space was on the other end with limited parking.

We support the request.

*Rob Brown

757-508-2600 mobile

Sent from my iPad

**owner of adjacent "Philip Michael" building*

On Jun 16, 2015, at 4:24 PM, "Simons, Matthew" <Matthew.Simons@norfolk.gov> wrote:

Mr. Brown,

Suite F is on the corner of the building (on the far opposite side from the Philip Michael building).

The restaurant is currently open every day in that space; they are now asking to serve alcohol to their customers.

Matthew Simons, CFM
City of Norfolk
City Planner II
757-664-4750

From: Robert R. Brown [<mailto:Rob@rbainc.biz>]
Sent: Tuesday, June 16, 2015 2:13 PM
To: Simons, Matthew
Subject: RE: Ichran Japanese Ramen

Thanks for sending the staff report. Can you tell me where Suite F is positioned in the property?
Thanks

Robert R. Brown, President
Robert Brown & Associates, Inc.
41 Old Oyster Point Road, Suite A
Newport News, Virginia 23602
Mailing Address: P O Box 120410, Newport News, VA 23612

Direct Dial: (757) 969-6036
Receptionist: (757) 461-0000
Fax: (757) 461-1630